

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CHRISTOPHER HARKINS, *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 23-1238C

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23 of the Rules of the United States Court of Federal Claims and the Court's Order (Doc. #122), Plaintiffs move this Court to certify the following proposed opt-in plaintiff class and two subclasses:

1. Plaintiffs request the Court to certify a class pursuant to RCFC 23 consisting of themselves and all current and former Coast Guard members who were discharged, separated, constructively discharged, involuntarily transferred to inactive status, and/or denied pay or benefits due to their unvaccinated status with respect to Defendant's COVID-19 Vaccine Mandate, and as a result lost pay, benefits, retirement points, training, promotion, or any other emoluments to which they are entitled by law under the Military Pay Act and/or other money-mandating statutes applicable to class members (hereinafter, the "Class").

2. In addition to the Class, Plaintiffs request the Court to certify a subclass under RCFC 23(c)(5), consisting of members of the "Class" who prior to being discharged, separated, or constructively discharged due to their unvaccinated status with respect to Defendant's COVID-19 Vaccine Mandate, submitted a Religious Accommodation Request, a request for an administrative exemption, or a request for a medical exemption

to the requirements of the COVID-19 Vaccine Mandate (hereinafter “Exemption Requested Subclass”).

3. Plaintiffs also request the Court to certify a subclass under RCFC 23(c)(5), consisting of members of the “Class” who “voluntarily” separated from service rather than comply with the COVID-19 Vaccine Mandate (hereinafter “Voluntary Separation Subclass”).

4. For the Class and the two subclasses, Plaintiffs request certification of the claims asserted in their Second, Third, and Fourth causes of action set forth in the operative Amended Class Action Complaint, along with all of the Coast Guard’s associated defenses to each of those causes of action, including but not limited to the Coast Guard’s assertion that putative class members’ were lawfully discharged for the “Convenience of the Government” not for their refusal to comply with the COVID-19 Vaccine Mandate.

5. In addition to certifying the Class and Subclasses detailed above, Plaintiffs further request appoint the named Plaintiffs as Class and Subclass representatives and appoint the undersigned as counsel for the Class and Subclasses.

6. In support of this motion, Plaintiffs rely on their contemporaneously filed Memorandum of Law in Support of Motion for Class Certification.

July 9, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on this 9th day of July 2025, the foregoing document was e-filed using the CM/ECF system.

/s/ Dale Saran